

**TOWN OF SILT, COLORADO  
ORDINANCE NO. 2  
SERIES OF 2010**

**AN ORDINANCE REPEALING AND ADOPTING TITLE 6 OF THE TOWN OF SILT MUNICIPAL CODE TO UPDATE THE "ANIMALS" TITLE OF THE SILT MUNICIPAL CODE**

**WHEREAS**, under Section 1-11 of the Home Rule Charter of the Town of Silt ("Town"), the amendments to the Town Code shall be adopted by ordinance; and

**WHEREAS**, Title 6 of the Town Code has not been comprehensively updated since 1963; and

**WHEREAS**, the Board of Trustees has determined that it is in the best interest of the Town and its citizens that the Town update Title 6 for the purpose of repealing antiquated sections and establish ordinances that will serve the Town and its citizens.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILT, COLORADO THAT:

**Section 1.** Title 6 of the Silt Municipal Code is repealed in its entirety and reenacted as follows:

Title 6 ANIMALS

Chapter 6.04 DOGS AND CATS

**6.04.010 Definitions.**

For the purposes of this chapter:

- A. "Abandon" includes leaving an animal by its owner or other person responsible for its care of custody without making effective provisions for its proper care.
- B. "Animal" means any live nonhuman creature, domestic or wild, excluding fish..
- C. "Dwelling unit" means any structure or part thereof which is occupied as the living quarters of a single family or housekeeping unit.
- D. "Inoculated," "inoculation," "vaccination" or "vaccination for rabies" mean inoculation of a dog or cat with a standard rabies vaccine by a licensed veterinarian.
- E. "Mistreatment" includes every act or omission which causes, or unreasonably permits the continuation of, unnecessary or unjustifiable pain or suffering.
- F. "Neglect" includes failure to provide food, water, protection from the elements, opportunity for exercise, or other care normal, usual, and proper for an animal's health and well-being.
- G. "Owner" or "owning" shall mean any person who controls, keeps, or purports or is deemed to have control over any animal; the person named on the licensing records of any animal as the owner; the occupant of the premises where the animal is usually kept if such premises are other than the premises of the owner as shown on the licensing record; or any person in possession of, harboring, feeding, or allowing any animal to remain about their premises for a period of five (5) consecutive days or more. The

parent or guardian of an owner under eighteen (18) years of age shall be deemed the owner, as defined herein. If an animal has more than one (1) owner, all such persons are jointly and severally liable for the acts or omissions of an owner under this Chapter even if the animal was in the possession of or under the control of a keeper at the time of the offense.

H. "Running at large" means, for a dog, when off or away from the premises of the owner, possessor, custodian or supervisory controller and not on a secure leash nor under the immediate control of such owner, possessor, custodian or supervisory controller.

#### **6.04.020 Conformance to provisions.**

No dog or cat shall be kept within the limits of the town, except as provided in this chapter. Any requirement not followed under this Title is deemed to be unlawful and subject to the penalties under the General Penalties provision of Chapter 1.12 of the Silt Municipal Code.

#### **6.04.030 Inoculation of dogs and cats required--Dog license required.**

It shall be the duty of every person who owns or harbors any dog or dogs, cat or cats in the Town to have such dog or dogs, cat or cats inoculated and to obtain a certificate from that veterinarian, setting out the fact of such vaccination, and also to obtain from the Town Clerk a license for each dog.

#### **6.04.040 Period for inoculation and licensing.**

Such inoculation and licensing as is contemplated in Section 6.04.030 shall be performed within one month following the acquisition or owning of any dog(s) or cat(s) within the Town limits, or upon such animal reaching the age of four months, whichever occurs later.

#### **6.04.050 License fee designated.**

A. The owner of every dog in the Town shall pay a license fee to the Town under the following schedule:

1. All dogs, male or female, ten dollars (\$10.00). Senior Citizens (60 years and older), five dollars (\$5.00).
2. Dogs adjudicated as vicious, a fee of two hundred dollars (\$200.00).

B. The license fee shall be waived when the application is for a guide dog or service dog for a totally or partially blind, totally or partially deaf or otherwise physically disabled person with proper documentation showing proof of disability.

#### **6.04.060 License fee--Term.**

The license fee as stated in Section 6.04.050 shall be for a period commencing with the issuance of the license and shall coincide with the term of the rabies vaccination and shall be effective for a period of a maximum of three years from the inoculation. However, the animal owner shall provide certification of that three-year inoculation upon each renewal to the Town Clerk or Deputy Town Clerk as required in Section 6.04.070.

**6.04.070 Vaccination certificate--License--Issuance requirements.**

Every veterinarian performing vaccination shall furnish the owner of any dog or cat vaccinated a certificate of such vaccination, which shall be presented to the Town Clerk who, upon payment of the license fee, shall issue the dog license. No license shall be issued for any dog or cat without the production of certificate of vaccination and payment of the license fee.

**6.04.080 License contents.**

The Town Clerk shall issue a license, to the owner of each dog licensed under this chapter, containing the following information:

- A. The name and address of the owner of an inoculated and licensed dog;
- B. The date of inoculation and date of license;
- C. The year and series number of the dog tag;
- D. The breed, age, color and sex of the inoculated dog.

**6.04.090 Tags.**

The tags shall be made of durable material suitable to be attached to the collar or harness of the inoculated dog. Such tag shall state the year for which it is issued and the series number of the license and tag. Such tags shall also be prepared and distributed by the Town Clerk. Microchipping of a dog or cat may assist in locating the owner of the animal but will not be considered a substitute for the required license.

**6.04.100 Tag attachment and display--License retention.**

Every owner of a dog shall attach the tag evidencing the licensing and inoculation with anti-rabies vaccine to the collar or harness of the inoculated and licensed dog, and such collar or harness shall be worn by the dog at all times. The license shall be retained by the owner of the inoculated and licensed dog for inspection by the Town police at any time. The above described tags are not transferable.

**6.04.110 Reporting animal bites; confinement.**

- A. Any person having knowledge that an animal other than a rodent, rabbit, bird or reptile has bitten a human shall immediately report the incident to the Town Police.
- B. If any animal is suspected of having rabies or if any animal has bitten a person and such animal has not had a current vaccination, such animal shall be confined for a period of at least ten (10) days from the date of the bite at the Town's designated animal clinic or shelter or at a veterinary hospital of the owner's choice, at the expense of the owner of the animal. During the ten-day observation period, no rabies vaccine shall be administered to the animal.
- C. No animal held for observation on suspicion of rabies shall be released until the observation period is over, except as follows:
  - 1. If the owner shows proof of current rabies vaccination, the animal may be released into rabies confinement at the owner's residence, at the discretion of the Town Police in accordance with the standards set forth by the County Health Department; or
  - 2. If the victim of the bite and the owner request that the rabies confinement be at the owner's residence and the victim and owner agree in writing to hold the Town harmless from liability for releasing the animal to the owner, the animal may be released into

rabies confinement at the owner's residence, at the discretion of the Town Police. If the owner of the animal does not possess sufficient property or facilities to prevent the animal from exposing other animals to nose-to-nose mucus membrane contact or possible contact with another person, the animal cannot be kept at the owner's residence and must be contained at an animal shelter or veterinary hospital of the owner's choice, at the expense of the owner.

D. For the purposes of this Section, rabies confinement at owner's residence shall mean that the animal is kept inside a secure building or is within a fence or other enclosure which limits the animal to a particular premise for a ten day period, so that the animal cannot come into contact with people or animals outside of the immediate family household. During such period of confinement, the animal must not be confined or unsupervised without being on a leash and handled by a person capable of physically restraining the animal. The intent of this Section is to prohibit nose-to-nose mucus membrane contact with another animal or contact with a person. As a result, the confined animal should not be permitted to approach a fence which also constitutes the perimeter of the owner's property if such proximity to the fence could potentially produce contact with another animal or person. Restraint by a solely a tether is insufficient restraint. If such animal is otherwise found outside the owner's residence during the confinement period, it shall be taken and confined at the animal shelter or at a veterinary hospital of the owner's choice, at the expense of the owner, for the remainder of the confinement period.

E. If any animal has been bitten by another animal suspected to have rabies, the owner of such animal exposed to rabies shall report such fact to Town Police. The Town Police shall have the power, in the officer's discretion, to have the animal suspected of having rabies or of being exposed to rabies removed from the owner's residence to a veterinary office or hospital and placed under observation for a period of up to six (6) months at the expense of the owner, provided that the owner may elect to have such animal destroyed in lieu thereof.

F. Notwithstanding the above, if a standard incubation period has not been established by the State Department of Health for the particular species of animal that was bitten, it shall be summarily destroyed. If the animal has been in contact with another animal or human, appropriate testing shall be performed by a certified laboratory to determine rabies contamination.

G. Any owner whose animal is confined pursuant to this Section shall pay a confinement and daily boarding fee as established by the Town Administrator upon recommendation of the director or operator of the animal shelter plus all actual veterinary costs incurred on behalf of the animal. Said fees and costs may be collected through court-ordered restitution or in any other manner provided by law.

#### **6.04.120 Destruction of rabies infected animals.**

If rabies has been detected in any animal, such animal shall be summarily destroyed.

#### **6.04.130 Vehicular accidents with animals; duties.**

Any operator of a vehicle whose vehicle strikes a domestic animal shall stop at once and immediately report any injury or death to the animal's owner. If the owner cannot be ascertained and located, the operator shall at once report the accident to the Town Police Department.

**6.04.140 Removal of dead animals required.**

If any animal dies in the possession of any person in the Town, it shall be the duty of such person to cause the animal to be at once removed from the Town and buried at a sanitary landfill or cremated. In case the owner of any such animal shall neglect or refuse to remove the same within ten (10) hours after its death, the Town may cause the animal to be removed at the expense of such owner. Whenever the owner of any dead animal cannot be found or ascertained, it shall be the duty of the Town to remove and have such animal buried or cremated.

**6.04.150 Cruelty or neglect of animals prohibited.**

A. An owner of an animal shall provide that animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care, when necessary, and such other care as is customary and necessary for the animal's health and well-being, considering the species, breed and type of animal.

B. No person shall beat, cruelly ill-treat, torment, overload, overwork, otherwise abuse or needlessly kill an animal or cause, instigate or permit any combat between animals or between animals and humans, nor shall any person transport or confine an animal in or upon any vehicle in such manner as to endanger the animal's health or life.

C. No owner of an animal shall abandon such animal.

**6.04.160 Removal of animal waste required.**

The owner of any animal shall be responsible for the immediate removal of any feces deposited by such animal on any property, public or private, not owned or exclusively occupied by the owner. The owner of any animal shall also be responsible for the periodic removal of feces deposited by such animal on property owned or exclusively occupied by such owner so as to prevent the creation of a public nuisance within the meaning of Section 8.04.020.

**6.04.170 Dogs running at large.**

A. It is unlawful for any person who is the owner of a dog to permit it to be running at large within the Town. The following shall be exempt from this prohibition:

1. Dogs under the control of a public law enforcement agency.
2. Dogs in areas designated or signed permitting animals to be at large, such as dog parks.

B. Any owner shall confine the dog to his or her premises, or shall have the dog on a secure leash or a recognized animal control device not more than ten feet in length or range unless the dog is actively in obedience training under the supervision of a licensed trainer or a supervised special event.

C. Fences that are intended as enclosures for any animal shall be securely constructed, adequate for the purpose and kept in good repair.

**6.04.180 Vicious dogs.**

A. It shall be unlawful for any person to own or keep any vicious animal. A vicious animal is one that bites, claws or attempts to bite or claw any person, bites another animal or in a vicious or terrorizing manner approaches any person in an apparent

attitude of attack, whether or not the attack is consummated or is capable of being consummated.

B. It is a defense to the charge of owning a vicious animal that the person or animal that was bitten, clawed or approached by the vicious animal was:

1. Other than in self defense or defense of its young, attacking the animal or engaging in conduct reasonably calculated to provoke the animal to attack or bite;
2. Unlawfully engaging in entry into or upon a fenced or enclosed portion of the premises upon which the animal was lawfully kept or upon a portion of the premises where the animal was lawfully restrained by leash or lead;
3. Unlawfully engaging in entry into or in or upon a vehicle in which the animal was confined;
4. Attempting to assault another person;
5. Attempting to stop a fight between the animal and any other animal;
6. Attempting to aid the animal when it was injured; or
7. Attempting to capture the animal in the absence of the owner, with the exception of a peace officer, firefighter, authorized Town Official or other code enforcement officer in the performance of his or her duty.

C. For the purposes of this Section, a person is lawfully upon the premises of an owner or keeper when such person is on the premises in the performance of any duty imposed by law or by the express or implied invitation of the owner of such premises or the owner's agent.

D. In addition to any other penalties, the Municipal Judge shall order any animal determined to be vicious barred from the Town or destroyed. If the Judge orders the specific disposition of the animal, such order shall be carried out immediately. If the owner of the animal is given a choice as to the disposition of the animal, the Judge shall order the owner to immediately surrender the animal to the Town Police Department for impoundment if the same has not already occurred. Such impoundment shall be at the owner's expense. The owner shall make a decision as to the disposition of the animal within five (5) days. If the animal is allowed by the Municipal Judge to be taken out of the Town, the animal shall be released to the owner for the purpose of immediately relocating the animal outside of the Town limits. If the dog is adjudicated to be vicious and remains within the Town, the licensing fee set forth in Section 6.04.050 shall be paid upon licensing. If later found to be unlicensed at any time, the dog shall be subject to the Municipal Judge's discretion as applying the terms of this subpart.

E. If any vicious, dangerous, fierce, or infected dog running at large cannot be safely caught, impounded, and constitutes a threat to the public or police officer, such dog may be slain by any police officer.

#### **6.04.190 Dogs disturbing the peace and quiet.**

A. No owner of an animal shall fail to prevent it from disturbing the peace and quiet of any other person by loud and persistent barking, baying, howling, yipping, crying, yelping, whining, or making any other noise in an excessive, continuous or untimely fashion, whether the animal is on or off the owner's premises.

B. The provocation of an animal whose noise is complained of is an affirmative defense to any charge for violation of subsection (a) of this section.

C. No owner or keeper of an animal which is alleged to have disturbed the peace and quiet of another person shall be charged with a violation of subsection (A) of this section unless the owner or a member of said person's household has received a written warning from a police officer or an animal control officer within the preceding twelve months.

D. The warning process to be employed prior to a charge being instituted for a violation of subsection (a) of this section shall be substantially as follows:

1. A police officer or animal control officer may issue a warning after receiving a complaint of a disturbance.
2. Two or more complainants must clearly identify him or herself by stating his or her name, address and telephone number. The complainants shall further state, if known, the name of the animal's owner, the owner's address and telephone number, a description of the animal, description of the offense, the date, time, place and duration of the offense.
3. A record or incident report shall be kept of any such complaints and investigation.
4. The warning shall state that complaints have been received, recite the date of the alleged offense, and conclude that the owner's animal may have disturbed the peace or other individuals. The warning shall advise the animal owner of the possible penalties for a violation of this section and advise the owner that the next complaint may result in a summons being issued against the owner. The warning shall be identified as being issued by any police or animal control officer empowered by the Town to enforce the provisions of this title.

E. An owner shall be deemed to have received a warning under this section, if the warning is personally served upon the owner, posted on the owner's premises, or placed in the U.S. mail, postage prepaid and addressed to the owner of the animal according to the last address given by the owner at the time such owner obtained a license certificate or license tag.

#### **6.04.200 Public nuisance prohibited.**

It shall be unlawful for any owner to fail to exercise proper care and control of his or her animal to prevent it from becoming a public nuisance. For the purposes of this Section, a public nuisance includes an animal which is a safety or health hazard, damages or destroys the property of another or the Town or creates offensive odors which materially interfere with or disrupt another person in the conduct of lawful activities at such person's home or Town property.

#### **6.04.210 Number of dogs and cats.**

A. The total number of dogs above the age of six months, which may be kept on the premises of any one dwelling, shall be limited to three.

B. The total number of cats above the age of six months, which may be kept on the premises of any one dwelling, shall be limited to three

#### **6.04.220 Impoundment--Duty--Notice.**

A. It shall be the duty of the Chief of Police and every police officer or other persons authorized by the Town as dog control officers of the Town to catch and impound any dog or cat found in violation of this Chapter. .

B. Upon impounding a dog or cat, the police officer or dog control officer shall notify the owner of the dog or cat, if known.

**6.04.230 Impoundment--Redemption--Destruction.**

Any impounded dog or cat may be redeemed within five days of its impoundment by paying the minimum of twenty-five dollars per day, or as specified by the Town Board from time to time, for the cost of its care and any additional charges that may be incurred. On failure to redeem a dog or cat within those five days, the Town Chief of Police or his agent shall cause the dog or cat to be destroyed, and the Town shall pay the cost of impoundage and destruction. In lieu of having the dog or cat destroyed, the chief of police or his agent may release the dog for adoption. The animal's owner, if identified or later identified shall reimburse the Town for all charges incurred for impoundage and destruction. All fees collected for impoundment shall be applied to impoundment expenses.

**6.04.240 Interfering with enforcement--Violations.**

It is unlawful for any person to interfere with, molest, hinder or prevent the Chief of Police or a member of the police department or any licensed veterinarian of the state of Colorado, in the discharge of their respective duties as prescribed in this chapter, or to violate any of the provisions of this chapter.

**6.04.250 Dogs in Town parks.**

No owner, possessor, custodian, or supervisory controller shall allow a dog upon any property designated by the Town of Silt as a public Town park, unless the dog is on the prescribed ten-foot leash.

**6.04.260 Rest area designation.**

Areas designated by the Town as "rest areas" or signed as dog parks may be used to walk or exercise dogs off-leash. River Park is designated as a rest area.

**6.04.270 Animal litter.**

Any person having possession, custody, or supervisory control of any animal (including a dog) shall be responsible for the removal of any excreta deposited by any such animal upon any public or private property except that owned by the person having possession, custody, or supervisory control of said animal, subject to the terms of this Chapter.

Chapter 6.08

FARM ANIMALS RUNNING AT LARGE

**6.08.010 Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- A. "Animal" means any live, nonhuman creature, domestic or wild, excluding fish..
- B. "Animal litter" means defecation by an animal.

C. "Animal owner" means a person who owns an animal; has a property right in an animal; or intentionally has an animal in his/her custody, possession, maintenance, care or control. Animal owner shall include a person who is temporarily boarding an animal or has undertaken the care, custody, control, maintenance or possession of an animal, and includes a person providing food, drink, shelter, or care to stray animals otherwise running at large.

D. "Harboring" means the occupant of any premises on which an animal is kept or to which it customarily returns daily for food and care for a minimum period of ten (10) days is presumed to be harboring or keeping the animal.

E. "Rabies vaccination" means inoculation of an animal with a rabies vaccine approved by the Colorado Department of Public Health and Environment.

F. "Running at large" means anywhere off the real or personal property of the owner and not under the control of a person restraining the animal by leash.

#### **6.08.015 Prohibited animals.**

A. No horse, mare, gelding, colt, mule, hinny, jack, burro, jennet, bull, steer, cow, heifer, calf, goat, sheep, pig or hog shall be permitted to run or be at large within the limits of the Town.

B. It is unlawful for any person anywhere in the Town to maintain, keep, harbor, raise, house, stable or corral any livestock, cattle, goats, sheep, swine, foxes, chickens, ducks, turkeys or geese or any more than four (4) rabbits, except in connection with the commercial slaughter and processing of animals.

#### **6.08.016 Exceptions.**

Any property that is used for livestock production prior to annexation to the Town and the Town and property owner have not entered into a development agreement. Unless stated otherwise in a development agreement or as determined by the community development director, when development exceeds fifty percent (50%) of the land area, harboring of any prohibited animals shall cease.

#### **6.08.020 Impoundment duty.**

Whenever any such animal as is contemplated in Section 6.08.015 is found running at large within the Town, it shall be the duty of the Town police to take up the same and place it in the public pound if there is one, and if not, then in some other suitable place for safekeeping.

#### **6.08.030 Notice of impending disposal--Branded animals.**

Upon the taking up and impounding of any such animal as is contemplated in Section 6.08.020, the Town police shall forthwith give notice thereof by posting notice at the Town Hall, such notice to contain as near as may be a description of the animal impounded and the name of the owner, if known to him, and stating that unless the animal is claimed and the costs of impounding and feeding the animal are paid to the Town by an hour named in the notice, which shall not be less than forty-eight hours after the impounding, then such animal may be sold, destroyed or otherwise disposed of as provided in this chapter. In case the animal is branded and the owner is unknown, the Town police shall note carefully all brands and earmarks found thereon, and the sex and color of such animal, and send at once to the Secretary of State, State Inspection

Bureau a full description of such animal and the date of such taking up for impounding. A reasonable time for a notice to be given the owner of such brand or brands, not exceeding three weeks, shall elapse before the animal is sold, destroyed or otherwise disposed of.

**6.08.040 Release.**

If the owner of the animal impounded claims it within the time included in the notice provided for in Section 6.08.030 and pays all costs then accrued because of the impounding, then the Town police shall release the animal.

**6.08.050 Unclaimed impounded animals--Filing complaint--Summons.**

If the animal is not claimed and costs paid as provided in Section 6.08.040, the Town police shall forthwith file with the municipal court a copy of the notice posted, with his complaint under oath, to the effect that the animal therein described was found running at large within the corporate limits of the Town, giving the date thereof, that he had caused such animal to be impounded and had duly posted notice as required, that no owner had appeared, claimed and paid the costs of the impounding, giving the name of the owner if known to him and if not known to him then so stating. The clerk of the court shall docket the case and issue a summons directed to the person named as owner of the animal impounded as defendant.

**6.08.060 Unclaimed impounded animals--Trial--Judgment for costs.**

If the defendant contemplated in Section 6.08.050 is not found or the defendant, having appeared, denies any or all of the material facts stated in the complaint, the municipal court shall receive the evidence upon a trial as to the matters alleged in the complaint. If the defendant is convicted, the defendant may be punished the same as upon violation of other Town ordinances, and additionally shall have taxed as costs against him the Town police department's fees for taking up, impounding, posting notices, service of process, attendance upon court, and feeding and caring of the animal, witness fees, court costs and Town attorney's fees and the court may enter judgment against the defendant therefor and may order that upon failure of the defendant to pay the judgment within the time specified by the court, the animal or animals impounded may be sold to satisfy the judgment and all costs of the sale, and if the sale proceeds are insufficient to satisfy the judgment, the Town may recover any deficiency against the defendant.

**6.08.070 Unclaimed impounded animals--Release or sale--Action to recover costs.**

If the defendant forthwith pays such fine, judgment and costs as are contemplated in Section 6.08.060, the Town police shall forthwith release the animal upon the defendant being in readiness to take charge of it; but if the defendant fails and refuses to pay the fine, judgment and costs and to take charge of the animal, then it shall be the duty of the Town police to advertise and sell the animal at public sale in the manner as provided for the sale of goods and chattels on execution, and shall apply the proceeds first to the payment of the fine and judgment and accrued costs, and shall pay over any surplus to the owner; but if sufficient sums are not realized from such sale to pay such fine, judgment and costs, then the court shall issue its writ of execution for the residue

to be satisfied as provided by law for the enforcement of judgments for fines and penalties for the violation of Town ordinances.

**6.08.080 Impoundment where owner unknown--Notice of trial.**

If the owner of any animal impounded is unknown to the Town police, the proceedings before the municipal court shall be against the unknown owner (giving the number and kind of animal impounded). Upon the Town police department's filing his copy of notice and complaint, as provided in Sections 6.08.050 and 6.08.060, and it appearing that the name of the owner is unknown, the court shall post a notice at the Town Hall and may publish the same in the official Town paper, in substance as follows:

Whereas, a Police Officer of the Town of Silt has filed his Complaint, that he has taken up and impounded (giving kind and description of animal) found running at large within the limits of said Town and that the owner of said animal is unknown to him.

Now therefore, notice is hereby given that a trial shall be had upon said Complaint at Municipal Court, on the \_\_\_\_\_ day of \_\_\_\_\_ at the hour of \_\_\_\_\_ o'clock when and where the unknown owner may appear and defend if he sees fit so to do.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_.

(SEAL) \_\_\_\_\_ Court Clerk.

**6.08.090 Impoundment where owner unknown--Trial date.**

The day named in the notice provided for in Section 6.08.080 for trial shall not be less than five nor more than eight days from the time of posting the notice.

**6.08.100 Impoundment where owner unknown--Trial procedure--Sale.**

A. Upon the arrival of the hour of trial as mentioned in notice provided for in Section 6.08.080, the court clerk shall proceed as in case of personal service or appearance. If the owner appears at the hour of trial, such proceedings shall be had as provided in Sections 6.08.050, 6.08.060 and 6.08.070, but if no owner appears to answer or defend at such trial, then the court shall receive evidence of the facts as alleged in the complaint.

B. If the unknown defendant is convicted, the court shall render judgment against the unknown owner and order that the animal be sold and the proceeds thereof applied to satisfy the judgment and costs and the keeping of the animal, as aforesaid. Such sale shall be made in the manner as provided in Section 6.08.070, and any surplus remaining from such sale shall be paid to the Town treasurer.

**6.08.110 Owners may gain release.**

The owner of any animal impounded may have it released to him at any time before the sale provided for in this chapter by paying to the court clerk all costs, judgments and liens chargeable against the animal at the time of release.

**6.08.120 Surplus moneys from sale.**

When any surplus money is paid into the Town treasury, the owner of the animal from which such surplus arose shall be entitled to such funds from the Town treasurer; provided, that such owner makes application therefor and satisfactory proof of ownership within one year after the sale of the animal; otherwise, such surplus shall be forfeited and vest in the Town.

**6.08.130 Breaking pens or enclosures.**

Any person or persons who break open or in any manner, directly or indirectly, aid or assist in breaking open any pen or enclosure with the intent of releasing any animal therein confined pursuant to the provisions of this chapter is guilty of a violation of this chapter.

**6.08.140 Interfering with officers.**

Any person who hinders, delays or obstructs any officer in the discharge of any duties enjoined in this chapter is guilty of a violation of this chapter.

**6.08.150 Reimbursement to officers for expenses--Compensation.**

The officers taking up, caring for and feeding animals under the provisions of this chapter shall be entitled to reimbursement for actual expenses plus compensation determined from time to time by the board.

Chapter 6.12

ENFORCEMENT

**6.12.010 Purpose.**

The purpose of this chapter is to provide for and promote the enforcement of the provisions of Title 6 of the Silt Municipal Code, as the same now exists or may be hereafter amended.

**6.12.020 Animal control officer.**

The position of animal control officer is created and established. "Animal control officer" means any person hired by the Town to enforce the provisions of Title 6 of the Silt Municipal Code. If an animal control officer is not hired, the duties shall be carried out by the Chief of Police or any police or code enforcement officer within the Police Department.

**6.12.030 Powers of animal control officer.**

The powers and duties of animal control officer shall include the following:

- A. To carry out and enforce all of the provisions of Title 6 of the Silt Municipal Code, and to do all acts and things which may be done or performed by the police chief , any police officer, or any other duly constituted enforcement officer under the provisions of said Title 6.
- B. In any appropriate case, to issue a summons and complaint into the Town municipal court, and to appear and act in said court in the capacity of an enforcement officer.

**6.12.040 Retention of preexisting enforcement authority.**

Notwithstanding the creation of the position of animal control officer, the police chief , any police officer, and any other duly constituted enforcement officer of the Town shall continue to have the powers and duties granted and imposed by Title 6, and this chapter shall in no manner supersede or diminish said powers and duties.

**6.12.050 Appointment--Compensation--Removal.**

An animal control officer, if hired, shall be any employee of the Town within the police department, or other employee of the Town or other person so designated by the Town Administrator. In the case of any employee or other Town official so designated, the responsibilities and duties of animal control officer shall be deemed to be a part of said person's regular compensation, and there shall be no additional compensation therefor, unless specifically authorized by the Board of Trustees through the budget process.

**6.12.060 Strict liability.**

The policy of the Town is to require owners, possessors, custodians or supervisory controllers of animals addressed by this title to assure that their animals do not cause violations of this title, whether intentional or inadvertent. Accordingly, violations of this title are declared to be strict liability offenses. Proof of knowledge or culpable mental state on the part of any owner, possessor, custodian or supervisory controller charged with a violation under this title shall not be required in order to establish guilt.

**Section 2.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Board hereby declares it would have passed this ordinance, and each part, section, subsection sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

**Section 3.** The enactment of any provision of the Municipal Code of the Town of Silt as provided in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceedings as commenced under or by virtue of the provision repealed or repealed and reenacted. The repeal of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

**Section 4.** All bylaws, orders, resolutions, and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution, or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ, APPROVED ON FIRST READING this 22<sup>nd</sup> day of February, 2010 at the municipal building of the Town of Silt, Colorado.

TOWN OF SILT

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Mayor David C. Moore

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Town Clerk Sheila M. McIntyre, CMC